

WITHAM FIRST DISTRICT INTERNAL DRAINAGE BOARD

Minutes of the eighty sixth meeting of Witham First District Internal Drainage Board held on Tuesday, 22nd April 2014 at Washingborough Village Hall.

Present:

Mr. R. Fletcher– Chairman
Mr. P. Gilbert – Vice Chairman
Mr. E. Applewhite
Mr. S. F. Cobb
Mr J. R. Crust
Cllr. R. Cucksey
Mr. T. Gilbert
Mr. M. D. Harrison
Cllr. G. Hewson.
Mr. R. Hickling
Cllr. D. Jackson
Cllr. R. Kendrick
Mr. B.S. Leggate
Mr. S. B. Leggate
Mr. L. Maplethorpe.
Mr. S. Maplethorpe.
Mr. D. R. Means
Mr. N. Osborne.
Cllr. C.R. Oxby
Dr. V. Stanton
Mr. E.H. Tonge
Cllr P. Vaughan
Mr. A.S. Whitehead

In attendance:

Mrs. Jane Froggatt	Chief Executive
Mr. Martin Shilling	Director of Operations
Mrs. Anna Wilson	Finance and Rating Assistant

1902 Apologies.

Apologies for absence were received from Mr D Armstrong, Mr R Hall, Mr J Mair, Mr N Maplethorpe and Cllr. J Money.

1903 Declarations of Interest.

Declarations of interest were received from members nominated by City of Lincoln, East Lindsey District and West Lindsey District Councils in matters relating to their respective Councils.

1904 Chairman's Announcements.

1904.1 Scopwick Enforcement Case.

The Chairman advised members that following the Board's involvement in an enforcement case at 71 Main Street in Scopwick, he had asked officers to convene a meeting involving AWS, Western Power, LCC Highways and the Board. Following that meeting on 06.02.14, LCC had agreed to replace the old twin pipes and also to repair a collapse in the roadside pipe downstream. He felt this was a good outcome, albeit the works had started today in Scopwick and as a result the main road would be closed for a week.

1904.2 Joint Administration Committee.

The Chairman advised members that the J.A.C. meets again on 28th April, when Norman Osborne would be deputising for him. Agenda items include the performance on the 2013/14 budget, the specification for the Internal Audit function for the 3 IDBs and discussion on a proposed revision to the Joint Administration funding formula from 01st April 2015. If Witham First DIDB were to contribute 25% instead of the current 30%, based on the existing 2014/15 budget, it would save the Board £23,222 per annum.

1904.3 Medium Term Plan.

The EA's Medium Term Plan for the next 20 years invited submission from IDBs. These had been co-ordinated for all 3 IDBs by Ken Pratt, Engineer to Upper Witham. He had put together a programme for each Board, using a consistent methodology, to address control panel and pumps refurbishments at each pumping station over the plan period. He would be invited to present the submission to the Board's 24th June meeting.

1904.4 Drainage Rates 2014/15.

The drainage rates demands for this year have been printed and are being packed this week, together with notices of entry to land occupiers and information leaflets about the work of the Board in 2013/14. These would be posted out to rates account holders on 25.04.14. Copies of the information leaflet were tabled for information.

1904.5 Plant, vehicle and Machinery Tenders.

The Chairman confirmed that, following the Board agreeing the 2014/15 machinery programme, invitations to tender had been sent out to suppliers for both the replacement tractor (for the McCormick tractor) and for a replacement wheeled excavator. Both sets of tenders were due to be returned by 09.05.14.

1905 Minutes of the Board meeting, 11.02.14.

The Minutes of the Board's last meeting held on Tuesday, 11th February 2014 were proposed by Cllr. Pat Vaughan, seconded by Cllr. Gary Hewson and APPROVED as an accurate record.

MATTERS ARISING:

1905.1 Public Sector Co-operation Agreement (page 579 refers).

Following the Board becoming a signatory to the PSCA with the EA in November 2013, work had been carried out by the Board's staff at Anwick Catchwater as rechargeable works of £1,500. At the ADA Local Authority seminar in Peterborough on 20.03.14 it had been confirmed that 14 IDBs had now signed PSCAs, enabling Flood Risk Management Authorities to carry out works for and on behalf of one another, using flexibilities under the Flood and Water Management Act 2010, without the requirement for a formal procurement process. It was hoped that, once the EA's maintenance programme for 2014/15 is known, the Board would be able to undertake the Anwick Catchwater works again for the EA, following straight on from the Board's maintenance of Anwick Soke Dyke and that this could also be combined with the works requested by Haverholme Park Farm Partnership.

1905.2 Highland Water Claim 2013/14 (page 579 refers).

It was confirmed that since the meeting with the EA to discuss Highland Water held on 25.10.13, no written proposal had yet been received from the EA to ask IDBs to absorb the 16% administration element of 2013/14 claims. This was not significant for the Board, compared with other IDBs, but would equate to £2,160. The Chief Executive hoped to find out more when she attends a first meeting of a group, convened by the EA to simplifying the Highland Water claims process, which had been rescheduled for 30.04.14.

1905.3 Bank Slip at Twenty Foot Drain, Chapel Hill (minute 1896 refers).

Following agreement to undertake this significant bank slip reinstatement work in-house, the Board's Engineer was meeting the Director of Operations and Foreman on site to discuss the scheme design and materials. The repair would initially be on the field side of the drain, requiring the land occupier's consent to entry. There was a total budget of £40k, carried into 2014/15 for this scheme. Members noted the scheme was to be progressed shortly, possibly starting in mid- May. It would start on the field side of the watercourse.

1905.4 Transfer of 18 Bridges and Culverts to Lincolnshire County Council (minute 1897 refers).

The Chief Executive reported movement on the potential transfer of the 18 bridges and culverts from the Board to LCC since the Board's last meeting on 11.02.14. A meeting had been convened on 25.02.14 at which the advice to LCC from Legal Services Lincolnshire had changed markedly.

The Board had been originally asked to prove title to the structures and had failed to do so to the satisfaction of the Land Registry. The Board's Solicitors, Sills and Betteridge, had advised at a meeting on 11.10.13 that a way forwards would therefore be for LCC and the Board, as two public bodies, to 'ask a friendly question' as a Part 8 Claim in the Chancery Division. This would give a legally binding, definitive judgement on ownership of each of the structures. On 16.12.13 the Board's Solicitor had been notified that LCC was unwilling to pursue the Part 8 Claim route to obtain clarification of ownership. At this point there was in effect stalemate, hence the meeting convened on 25.02.14.

The revised position was that now LCC was willing to accept a transfer agreement, without prior proof of title to the 18 structures by the Board. There had been further correspondence, seeking to reduce the commutation sum of £354,480.92 payable by the Board on the basis that two of the structures (Twelve Foot Bank Bridge and Vine House Bridge) may have been judged to have been owned by LCC had the question been asked in court. All attempts to negotiate had failed and, in consultation with the Chairman and Vice Chairman, the Chief Executive had confirmed that the Board will proceed on the basis of the transfer agreement, which must rid the Board of all future maintenance responsibilities and public liability on all 18 structures for the commutation sum of £350,980.92. The slight reduction from £354,480.92 was in respect of Heighington Culvert. Respective solicitors had been appointed to progress this for the Board and LCC.

Members noted the position and that the long running issue, of over 25 years, should be brought to a conclusion shortly.

1906 Minutes of the Executive Committee meeting, 08.04.14.

The minutes of the Executive Committee meeting held on 08th April 2014 were approved as an accurate record.

MATTERS ARISING:

1906.1 Highland Water Claim.

It was highlighted that despite no communication from the EA about a proposition to withhold the 16% administration element of the 2013/14 highland water estimate and the second tranche highland water monies having now been received on 27.03.14, there was still a financial risk at the year end when a reconciliation is made between the estimate for 2013/14 and the actual costs incurred. The actual costs incurred are calculated as part of the 2013/14 accounts closure when, for example, full year electricity costs at pumping stations are known.

1906.2 Five Mile Development, Washingborough (minute 4.2 refers).

Whilst the Board had been clear as to the remaining outstanding issues to be addressed prior to acceptance of future maintenance responsibilities at Five Mile, Cllr. Ron Oxby understood that there was now interest in the purchase of the site. Members noted that at present there is no further action for the Board.

1906.3 Summer Inspection 2014 (minute 14 refers).

The Board agreed a date of Friday, 27th June for the Summer Inspection and the preferred venue was St. Germans Pumping Station near King's Lynn.

1906.4 Branston Delph (minute 15.1 refers).

Steve Cobb had raised local concerns at the Executive Committee meeting about the usage of Branston Delph at Branston Booths over the past six months. Accordingly, the Director of Operations had emailed Jez Brown at the EA to request information regarding the operation of the Delph since 01.10.13, specifically telemetry information to illustrate actual levels in the Delph and Carr Dyke at

Branston Booths. The EA had also been asked to detail maintenance activities undertaken on the Delph and associated raised flood embankments since 01.04.13.

1907 Financial Performance to 31st March 2014.

A summary financial position to 31.03.14 had been circulated with the agenda. Actual income and expenditure had been compared to the projected 31.03.14 outturn position as reported to the 11.02.14 Board meeting.

There had been a small movement in the projected 31.03.14 position from a surplus of (£4,802) with a revised estimated surplus now of (£2,557). However, the Chief Executive suggested that this was a prudent estimate. The actual year end position would not be finalised until the accounts closure process was completed at the end of May. The Internal Auditor was coming to audit the accounts on Monday, 09th June, they and the IDB1 Annual Return would be tabled at the Executive Committee on 10th June before submission to the Board as unaudited Accounts 2013/14 for approval on 24th June. Following the Board meeting the External Auditors, Grant Thornton, require receipt of the IDB1 Annual Return by Friday, 27th June.

The current projected surplus of (£2,557) included £40k for the Bank slip repair scheme at Chapel Hill which has not been spent in 2013/14. It was recommended and agreed that £40k be allocated to a "Bank Slip Reserve" to be used in 2014/15. The projected small surplus also assumes 16% administration element of the Highland Water Claim, i.e. £2,230, is withheld by the EA and the position will improve if it is not. Also, the Board had recently settled an insurance claim, on the failure of Timberland No.1 Pump in April 2012, at £13.2k. This income had not been assumed and will also further improve the actual 31.03.14 year end position when the Annual Accounts are closed.

The report set out the combined bank balances as at 31.03.14 at £617,617.63.

Drainage rates collection as at 31.03.14 was 98.1%. The few accounts unpaid went to Court Orders on 30.01.14 and account holders are being pursued by bailiffs. It was confirmed that a range of historical drainage rates land queries are being resolved, with the intent of updating the ratings system.

It was confirmed that Lincolnshire County Council had been invoiced for the full cost of providing the consents and enforcement service, for all three IDBs, in the extended rainfall catchments. This would meet the cost of the service in full and it was noted that Lincolnshire County Council wish the IDBs to continue to provide the service under a Memorandum of Understanding for 2014/15.

Members noted the financial performance report and that the projected year end surplus of (£2,557) would probably increase when the actual 31.03.14 position is finalised and is brought to the Board with the 2013/14 Annual Accounts on 24.06.14.

1908 Statement of Expenditure, 01.01.14 to 31.03.14.

A Statement of Expenditure incurred for the three months period 01st January to 31st March 2014 had been circulated with the agenda. It showed gross expenditure of £142,697.00, VAT of £12,650.81 and net expenditure therefore of £130,046.79. Of this, £17,866.02 was rechargeable to other Boards and bodies like LCC.

Members noted the expenditure incurred in the 3 months to 31.03.14.

1909 Write off of Drainage Rates.

Drainage rates write-offs are a matter reserved to the Board under Financial Regulations. A paper had been circulated with the agenda which requested the Board to write off Drainage Rates income of £3,043.83 and costs to the value of £210.00 (i.e. a total of £3,253.83).

The Land Drainage Act 1991 enables the Board to pursue “current year plus one” only, in terms of drainage rates arrears. It was explained that as the historical queries on the rates system are resolved, there will be requests for write offs. The paper set out a table of account numbers, arrears and the time period they relate to, the reason write-off was requested and the value.

The following drainage rates write-offs were detailed and approved by the Board:

<u>Account No</u>	<u>Rates Value</u>	<u>Costs Value</u>
	<u>£</u>	<u>£</u>
0079	618.48	0.00
0341	117.91	0.00
0342	42.32	70.00
0610	33.27	0.00
0719	1333.33	0.00
0724	42.70	0.00
0733	384.06	0.00
0739	304.51	140.00
0742	36.31	0.00
0766	109.29	0.00
0769	10.07	0.00
0795	11.68	0.00
Total	3043.83	210.00

1910 Chief Executive's Report.

1910.1 2014/15 Pay Award.

The Chief Executive's report had been circulated with the agenda. One issue which required approval by the Board was the ADA Lincolnshire Branch's recommended 1% pay award from 01st April 2014, to be applied across all salary and wage scales in the 'White Book' of terms and conditions.

Members approved the recommended 1% pay award for 2014/15, to be applied retrospectively to 01.04.14.

1910.2 Members' Travel.

Members were reminded to submit travel expenses claims, for 01.04.13 to 31.03.14, as soon as practicable.

The Summer Inspection had been agreed earlier for Friday, 27th June and an update had also been provided on the proposed bridges and culverts transfer.

1910.3 Middle Drain at Nocton Fen.

The Director of Operations had met with Robert Hall, in his capacity as Director of Farms for Beeswax Farming, to discuss the current and future drainage and irrigation needs within Nocton Fen and Middle Drain in particular.

Middle Drain had been cut in the 1980s as part of an irrigation scheme installed by the then owners. The scheme included for the abstraction of water from the River Witham and its pumped removal from the drain for passing onwards to the Heath.

As members had seen during the Board's Summer Inspection on 02.07.13, the drain has suffered severe erosion of its banks and requires significant investment to reinstate its original design profile and alignment.

Members agreed the following actions discussed with Beeswax Farming:

- the Board would investigate a topographical survey of its drains within Nocton Fen.
- the Board, using this survey information, would commission the construction of a computer based hydraulic model of the Fen's current drainage system.
- Beeswax Farming would confirm their proposed future use of the Middle Drain and field drainage requirements in the vicinity.
- a decision would then be made as to whether or not Middle Drain was required to remain in its current form or whether it could be de-commissioned or reduced in size, yet still satisfy land drainage requirements in the area.
- the costs of the exercise would be shared between both parties, although it was noted that the exercise was not within the 2014/15 approved budget

1910.4 Insurance Claim on Excavator incident of 07.01.14.

As previously advised, the Board's new excavator (AE13 BYN), delivered on 23.09.13, had been discovered vandalised on 07.01.14. An insurance claim of £1,489.06 for repairs had been submitted, but payment had not yet been received.

1910.5 Additional Access Licence to the track adjacent to Digby Pumping Station.

The Board had approved previously the granting of an additional access licence, to the purchasers from the EA of the old Dorrington Clay pits, for the track adjacent to Digby Pumping Station. The final version of the additional access licence, the original one being maintained by the EA, had been agreed by the Board's Solicitors and signed and returned on behalf of the Board on 17.10.13. In an update to the written report, the Chief Executive confirmed that the £3,000 payable to the Board on completion of sale had now been received by the Board. This concluded the matter.

1910.6 Meetings with Ministers/EA/ADA.

An update was provided on the following meetings:

- 10.03.14 – the Chairman and Chief Executive had attended a meeting at Lincoln NFU Offices with George Eustice, M.P., Parliamentary Under Secretary of State at Defra.
- 20.03.14 – ADA Local Authority Seminar, Peterborough – the Chairman, Vice Chairman and Chief Executive had attended.
- 31.03.14 - The Chairman, Chief Executive and Norman Osborne (as ADA Branch Chairman) had met with Owen Paterson, M.P., Secretary of State at Defra.
- 10.04.14 – The Chief Executive attended a dinner in Lincoln with the EA’s visiting Board of Directors.
- 01.05.14 – ADA Lincolnshire Branch’s AGM would be held on 01.05.14 at Forest Pines Hotel near Brigg, with a tour of the Port of Immingham and the areas of N.E. Lindsey IDB affected by the east coast tidal surge of 05.12.13.

Members noted the Chief Executive’s report.

1911 Director of Operations’ Report.

The Director of Operations’ Report for the period 01st February to 30th April 2014 had been circulated with the agenda and was presented by Martin Shilling, together with an update and presentation.

The winter de-silting programme, covering Billingham and Walcott Fens, had continued throughout the period and was completed at Easter. An additional length of drain, at Walcott Bank North, had been completed so that 11 miles in total had been undertaken:

Walcott Bank South	2.9 miles.
Walcott Bank North	2.0 miles (additional)
Roberts Drain	1.9 miles
Sharps Drain	1.2 miles
Billingham Soke Dyke	0.4 miles
Dales Drain Head (South)	1.5 miles
Todhill Drain	0.8 miles
Little Todhill Drain	<u>0.3 miles</u>
Total completed	<u>11.0 miles</u>

As part of the programme, various large diameter culverts and bridges had been cleared by hand. The Board’s workforce had also pollarded trees adjacent to the drains to ensure future access for the Board’s plant.

A number of slips had been reinstated using timber piles, boarding and 'as raised' material. The slips on Billingham Soke Dyke and Sharps Drain had previously been reported to the Board, but the slip on Dales Head (North) was a new slip.

The Director of Operations set out the proposed slip repair programme for 2014, as follows:

<u>Drain No.</u>	<u>Drain Name</u>	<u>Slip Length</u>	
2105	Billingham Soke Dyke	30m	Complete
2108	Sharpes Drain	20m	Complete
2103	Dales Drain Head (South)	30m	Complete
2120	Twenty Foot Drain, Chapel Hill	30m	In progress, plus others identified subsequently
2039	Tyndells Witham Bankside	100m+	
2038	Bentons Drain (Branston Fen)	30m	
2034	Middle Drain, Nocton Fen	2000m	
2060	Top Twelve Foot Drain	100m+	

Members were advised that for the winter 2014/15 de-silting programme, it was proposed to concentrate on Dorrington and Ruskington Fens.

A complaint had been received from a ratepayer, following which the workforce had cut a length of the Canwick Fen Drain to help reduce high water levels within the system. However, the effectiveness of work had been curtailed by a partially obstructed culvert which conveys water under the disused railway line. Photographs of the obstructed culvert were shown and discussed, it being a cast iron section of culvert aged approximately 100 years. Norman Osborne sought reassurance that the structure does not belong to the Board and the Director of Operations confirmed that whilst there is no suggestion that it is the Board's structure, the Board's Engineer is currently trying to establish who is responsible for its maintenance and repair.

It was confirmed that, when the summer 2014 weed cutting season starts in July, it is proposed to carry out weed cutting of the Canwick Fen, Longstone, North Engine and South Engine Drains to establish whether an earlier cut assists in those catchments.

As far as pumping stations were concerned, the pumps had been operated to maintain normal winter levels within the Board's systems. The hours pumped had returned to 'normal' compared with the same period last year.

The Board took delivery in February of a 'Prodem 150 compactor plate', a vibrating plate used to assist the driving of timber piles when reinstating drain side slips. It both improves health and safety for the Board's workforce, when driving both timber and steel piles, and it makes driving far quicker in firm conditions.

On staffing, it was reported that Kevin Rossington had completed 20 years' service with the Board on 07.02.14. Kevin combines the duties of summer tractor/flail driver with pumping station attendant throughout the year. Once he has chosen a long service gift, this will be presented by the Chairman.

Members noted the report and the presentation made by the Director of Operations.

1912 Schedule of Planning Applications.

A schedule of planning applications considered during the period 21st January to 04th April 2014 had been circulated with the agenda.

The comments submitted on this occasion related entirely to North Kesteven District Council, regarding 3 applications.

On land to the south of Fen Road in Washingborough, where up to 185 residential dwellings had been proposed, the Board had been consulted because of proximity to the Board's drainage district, albeit the application site was not within the district. The receiving watercourse, Washingborough Roadside South, is the EA's main river.

On two other applications for residential dwelling proposed extensions, the Board's Engineer had submitted comments to the effect that 12, Chestnut Close in Digby and 5, Church Road in Martin Dales should have surface water drainage measures conditioned and additional soakaways should be designed in accordance with Sections 3.26 to 3.29 of Part H of Building Regulations.

Members noted the comments submitted to North Kesteven District Council as the LPA.

1913 Schedule of Consents and Enforcements.

A schedule of consent applications and enforcement cases to 04.04.14, both within the drainage district and undertaken for LCC (as LLFA) in the extended rainfall catchment, had been circulated with the agenda.

In response to a comment about FDD-1044-2014-CON involving Fen Road in Washingborough, it was confirmed that although the Keeble Drive Flood Alleviation Scheme was outside the district (with two outfalls into riparian watercourses), it had been confirmed to the Engineer that the plan was to cut back surface water to agricultural run-off rates with discharge into the EA's main river.

Members noted the schedule of consents and enforcements to 04.04.14.

1914 Any Other Business.

There were no further items of business.

1915 Date, time & place of the Board's next meeting.

The Board's next meeting was confirmed for Tuesday, 24th June 2014 at 2pm in Washingborough Village Hall.

..... Chairman. Date